

CHAPTER 106
DEER HUNTING BY RESIDENTS
[Prior to 12/31/86, Conservation Commission[290] Ch 106]

571—106.1(481A) Licenses. When hunting deer, all hunters must have in their possession a valid deer hunting license and a valid resident hunting license and must have paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No person while hunting deer shall carry or have in possession any license or transportation tag issued to another person.

106.1(1) Type of license.

a. Any-deer licenses. Any-deer licenses shall be valid for taking deer of either sex. Paid any-deer licenses shall be valid statewide or in a deer population management zone and in one season as designated on the license. Free any-deer licenses shall be valid only on the farm unit of an eligible landowner or tenant in the season or seasons designated on the license.

b. Antlerless-deer-only licenses. Antlerless-deer-only licenses shall be valid for taking deer that have no forked antler. Paid antlerless-deer-only licenses shall be valid in one county or in one deer population management zone and in one season as designated on the license. Free antlerless-deer-only licenses shall be valid on the farm unit of an eligible landowner or tenant in the season or seasons designated on the license.

106.1(2) Bow season licenses. Any-deer and antlerless-deer-only licenses, paid or free, shall be valid in both segments of the bow season.

106.1(3) Regular gun season licenses. Paid any-deer and antlerless-deer-only licenses shall be valid in either the first or the second regular gun season, as designated on the license. Free any-deer licenses and antlerless-deer-only licenses shall be valid in both the first and second regular gun seasons.

106.1(4) Muzzleloader season licenses. Any-deer and antlerless-deer-only licenses, paid or free, shall be valid in either the early or the late muzzleloader season, as designated on the license.

106.1(5) November antlerless-deer-only licenses. Only antlerless-deer-only licenses, paid or free, will be issued for the November antlerless-deer-only season.

106.1(6) January antlerless-deer-only licenses. Only antlerless-deer-only licenses, paid or free, will be issued for the January antlerless-deer-only season.

106.1(7) Free and reduced-fee deer licenses for landowners and tenants. One free any-deer license may be issued to a qualifying landowner or tenant or eligible family member. Eligibility for licenses is described in 571—106.12(481A). The free any-deer license shall be available for the youth/disabled hunter season, bow season, early or late muzzleloader season or first or second regular gun season. Persons who obtain a free any-deer license may also obtain one free antlerless-deer-only license and two reduced-fee antlerless-deer-only licenses. The free antlerless-deer-only license shall be valid for the youth/disabled hunter season, bow season, early or late muzzleloader season, first or second regular gun season, or November antlerless-deer-only season. One additional free antlerless-deer-only license valid only for the January antlerless-deer-only season may be obtained if a portion of the farm unit is located in a county that is open during that season. The reduced-fee antlerless-deer-only licenses shall be valid for the youth/disabled hunter season, bow season, early or late muzzleloader season, first or second regular gun season, or November antlerless-deer-only season.

571—106.2(481A) Season dates. Deer may be taken only during the following seasons:

106.2(1) Bow season. Deer may be taken in accordance with the type of license issued from October 1 through the Friday before the first Saturday in December and from the Monday following the third Saturday in December through January 10 of the following year.

106.2(2) Regular gun seasons. Deer may be taken in accordance with the type, season and zone designated on the license from the first Saturday in December and continuing for five consecutive days (first regular gun season) or from the second Saturday in December and continuing for nine consecutive days (second regular gun season).

106.2(3) Muzzleloader seasons. Deer may be taken in accordance with the type, season and zone designated on the license from the Saturday closest to October 14 and continuing for nine consecutive days (early muzzleloader season) or from the Monday following the third Saturday in December through January 10 of the following year (late muzzleloader season).

106.2(4) November antlerless-deer-only season. Antlerless deer may be taken for three days beginning the Friday after Thanksgiving.

106.2(5) January antlerless-deer-only season. Antlerless deer may be taken from January 11 through the second following Sunday. The season will be extended seven additional days in the southern two tiers of counties.

571—106.3(481A) Shooting hours. Legal shooting hours shall be from one-half hour before sunrise to one-half hour after sunset in all seasons.

571—106.4(481A) Limits.

106.4(1) Bow season. The daily bag limit is one deer per license. The possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person's name.

106.4(2) Muzzleloader seasons. The daily bag limit is one deer per license. The possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person's name.

106.4(3) Regular gun seasons. The bag limit is one deer for each hunter in the party who has a valid deer transportation tag. The possession limit is one deer per license. "Possession" shall mean that the deer is in the possession of the person whose license number matches the number of the transportation tag on the carcass of the deer.

106.4(4) November antlerless-deer-only season. The bag and possession limits and the tagging requirements are the same as for the regular gun seasons.

106.4(5) January antlerless-deer-only season. The daily bag and possession limit and the tagging requirements are the same as for the regular gun seasons.

106.4(6) Maximum annual possession limit. The maximum annual possession limit for a resident deer hunter is one deer for each legal license and transportation tag obtained.

571—106.5(481A) Areas closed to hunting. There shall be no open seasons for hunting deer on the county roads immediately adjacent to or through Union Slough National Wildlife Refuge, Kossuth County, where posted accordingly. There shall be no open seasons for hunting deer on all portions of rights-of-way on Interstate Highways 29, 35, 80 and 380.

571—106.6(481A) Paid deer license quotas and restrictions. Paid deer licenses, including antlerless-deer-only licenses, will be restricted in the type and number that may be purchased.

106.6(1) Paid any-deer licenses. Residents may purchase no more than two paid any-deer licenses, one for the bow season and one for either the youth/disabled hunter, early or late muzzleloader, or first or second regular gun season. No more than 7,500 paid statewide any-deer licenses will be sold for the early muzzleloader season. Fifty additional paid early muzzleloader season licenses will be sold through and will be valid only for the Iowa Army Ammunition Plant. There will be no quota on the number of paid any-deer licenses issued in the youth/disabled hunter, bow, late muzzleloader or first or second regular gun season.

106.6(2) *Paid antlerless-deer-only licenses.* Paid antlerless-deer-only licenses have quotas for each county and will be sold for each county until quotas are reached. The season that may be hunted with paid antlerless-deer-only licenses and the number that may be purchased depend on the season for which any-deer licenses have been purchased.

a. Bow season. A person who purchases a paid any-deer bow license may purchase antlerless-deer-only licenses, but the type and number that may be purchased depend on the season for which the paid any-deer firearm license is purchased (see paragraphs “*b*” through “*f*”). Prior to October 1, if no paid any-deer firearm license is purchased, up to three paid antlerless-deer-only licenses may be purchased for the bow, first or second regular gun, or late muzzleloader season and up to three licenses may be purchased for the January antlerless-deer-only season. Beginning October 1, an unlimited number of antlerless-deer-only licenses may be purchased for these seasons. No person may obtain paid licenses of any type for both regular gun seasons.

b. First regular gun season. Prior to October 1, a person who purchases a paid any-deer license for the first regular gun season may purchase the following paid antlerless-deer-only licenses: up to three licenses for the bow, first regular gun and late muzzleloader seasons and up to three licenses for the January antlerless-deer-only season. Beginning October 1, an unlimited number of paid antlerless-deer-only licenses may be purchased for these seasons. No person obtaining a paid license for the first regular gun season may obtain a paid license of any type for the second regular gun season.

c. Second regular gun season. Prior to October 1, a person who purchases a paid any-deer license for the second regular gun season may purchase the following paid antlerless-deer-only licenses: up to three licenses for the bow, second regular gun or late muzzleloader season and up to three licenses for the January antlerless-deer-only season. Beginning October 1, an unlimited number of paid antlerless-deer-only licenses may be purchased for these seasons. No person obtaining a paid license for the second regular gun season may obtain a paid license of any type for the first regular gun season.

d. Early muzzleloader season. Prior to October 1, a person who purchases an any-deer license for the early muzzleloader season may purchase the following paid antlerless-deer-only licenses: up to three licenses for the bow or early muzzleloader season and up to three licenses for the January antlerless-deer-only season. Beginning October 1, an unlimited number of paid antlerless-deer-only licenses may be purchased for these seasons.

e. Late muzzleloader season. Prior to October 1, a person who purchases a paid any-deer late muzzleloader season license may purchase the following paid antlerless-deer-only licenses: up to three licenses for the bow, first regular gun or second regular gun, or late muzzleloader season and up to three licenses for the January antlerless-deer-only season. Beginning October 1, an unlimited number of licenses may be purchased for these seasons. No person may obtain paid licenses of any type for both regular gun seasons.

f. Paid any-deer license not purchased. Prior to October 1, a person who does not purchase a paid any-deer license for any season may purchase the following antlerless-deer-only licenses: up to three licenses for the bow, first regular gun or second regular gun, or late muzzleloader season and up to three licenses for the January antlerless-deer-only season. Beginning October 1, an unlimited number of these licenses may be purchased. No person may obtain paid licenses of any type for both regular gun seasons.

106.6(3) *November antlerless-deer-only season.* Beginning the second Saturday prior to the opening of the November antlerless-deer-only season, an unlimited number of paid antlerless-deer-only licenses may be purchased for the November antlerless-deer-only season. These licenses may be obtained regardless of any other paid any-deer or paid antlerless-deer-only licenses that may have been obtained. Licenses will be sold until county quotas are filled.

106.6(4) *January antlerless-deer-only licenses.* Antlerless-deer-only licenses for the January antlerless-deer-only season shall be available in all counties. Prior to October 1, a person may purchase up to three antlerless-deer-only licenses for the January antlerless-deer-only season. Beginning October 1, an unlimited number of licenses may be obtained until quotas are filled. January antlerless-deer-only licenses may be obtained regardless of any other deer licenses that may have been obtained.

106.6(5) *Free landowner/tenant licenses.* A person obtaining a free landowner/tenant license may purchase any combination of paid bow and gun licenses available to persons who are not eligible for landowner/tenant licenses as described in 571—106.12(481A).

106.6(6) *Antlerless-deer-only licenses.* Paid antlerless-deer-only licenses will be available to eligible persons by county as follows:

<u>County</u>	<u>Quota</u>	<u>County</u>	<u>Quota</u>	<u>County</u>	<u>Quota</u>
Adair	1500	Floyd	500	Monona	650
Adams	1650	Franklin	350	Monroe	2500
Allamakee	3000	Fremont	850	Montgomery	800
Appanoose	3000	Greene	250	Muscatine	1500
Audubon	200	Grundy	100	O'Brien	100
Benton	1000	Guthrie	2500	Osceola	100
Black Hawk	150	Hamilton	200	Page	1100
Boone	500	Hancock	100	Palo Alto	100
Bremer	500	Hardin	500	Plymouth	150
Buchanan	500	Harrison	700	Pocahontas	100
Buena Vista	100	Henry	1900	Polk	750
Butler	1000	Howard	1200	Pottawattamie	1100
Calhoun	100	Humboldt	100	Poweshiek	750
Carroll	150	Ida	100	Ringgold	2250
Cass	600	Iowa	1200	Sac	100
Cedar	1000	Jackson	1600	Scott	1100
Cerro Gordo	150	Jasper	950	Shelby	200
Cherokee	100	Jefferson	1800	Sioux	150
Chickasaw	1500	Johnson	1900	Story	400
Clarke	1250	Jones	1400	Tama	800
Clay	100	Keokuk	1500	Taylor	2100
Clayton	3500	Kossuth	300	Union	1500
Clinton	1200	Lee	2500	Van Buren	3500
Crawford	150	Linn	1700	Wapello	2000
Dallas	1500	Louisa	1500	Warren	1150
Davis	3000	Lucas	1050	Washington	1900
Decatur	2500	Lyon	100	Wayne	2500
Delaware	1200	Madison	1500	Webster	250
Des Moines	2000	Mahaska	1100	Winnebago	100
Dickinson	100	Marion	1200	Winneshiek	2500
Dubuque	2000	Marshall	500	Woodbury	750
Emmet	100	Mills	850	Worth	250
Fayette	2000	Mitchell	400	Wright	100

571—106.7(481A) Method of take. Permitted weapons and devices vary according to the type of season.

106.7(1) Bow season. Except for crossbows for persons with certain afflictions of the upper body, as provided in 571—15.5(481A), only longbow, compound or recurve bows shooting broadhead arrows are permitted. No explosive or chemical devices may be attached to the arrow or broadhead. Arrows must be at least 18 inches long.

106.7(2) Regular gun seasons. Only 10-, 12-, 16- and 20-gauge shotguns shooting single slugs and muzzleloaders and handguns as described in 106.7(3) will be permitted for taking deer during the regular gun seasons.

106.7(3) Muzzleloader seasons. Only muzzleloading rifles and muzzleloading pistols will be permitted for taking deer during the early muzzleloader season. During the late muzzleloader season, deer may be taken with a muzzleloader, handgun, or bow as described in 106.7(1). Muzzleloading rifles are defined as flintlock or percussion cap lock muzzleloaded rifles and muskets of not less than .44 and not larger than .775 caliber, shooting single projectiles only. Centerfire handguns must be .357 caliber or larger shooting straight-walled cartridges propelling an expanding-type bullet (no full-metal jacket) and complying with all other requirements provided in Iowa Code section 481A.48. Legal handgun calibers are listed on the department of natural resources list of “acceptable handgun calibers for hunting deer in Iowa.” Revolvers, pistols and black powder handguns must have a 4-inch minimum barrel length. There can be no shoulder stock or long-barrel modifications to handguns. Muzzleloading handguns must be .44 caliber or larger, shooting single projectiles only.

106.7(4) November antlerless-deer-only seasons. Bows, shotguns, muzzleloaders and handguns as described in this rule may be used.

106.7(5) January antlerless-deer-only season. Bows, shotguns, muzzleloaders and handguns as described in this rule may be used during the January antlerless-deer-only season. Centerfire rifles .24 caliber or larger and with a capacity of no more than six rounds in the chamber and magazine combined may also be used during the extended portion of the January antlerless-deer-only season that is open only in the southern two tiers of counties.

106.7(6) Prohibited weapons and devices. The use of dogs, domestic animals, bait, rifles other than muzzleloaded or as provided in 106.7(5), handguns except as provided in 106.7(3), crossbows except as provided in 571—15.5(481A), automobiles, aircraft, or any mechanical conveyance or device, including electronic calls, is prohibited, except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. “Bait” means grain, fruit, vegetables, nuts, hay, salt, mineral blocks, or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife. Bait does not include food placed during normal agricultural activities. “Paraplegic” means an individual with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord. It shall be unlawful for a person, while hunting deer, to carry or have in possession a rifle except as provided in 106.7(3) and 106.7(5). It shall be unlawful for a person hunting with a bow license to carry a handgun unless that person also has a valid deer hunting license and an unfilled transportation tag that permits a handgun to be used to take deer.

106.7(7) Discharge of firearms from roadway. No person shall discharge a shotgun shooting slugs or muzzleloader from a highway during the regular gun seasons in all counties and parts of counties north of U.S. Highway 30. “Highway” means the way between property lines open to the public for vehicle traffic as defined in Iowa Code section 321.1(78).

571—106.8(481A) Procedures to obtain licenses. All resident deer hunting licenses must be obtained using the electronic licensing system for Iowa (ELSI). Licenses may be purchased from ELSI license agents, or online at www.iowadnr.com, or by calling the ELSI telephone ordering system.

106.8(1) Licenses with quotas. All paid deer hunting licenses for which a quota is established may be obtained from the ELSI system on a first-come, first-served basis beginning August 15 until the quota fills, or through the last day of the hunting period for which the license is valid.

106.8(2) Licenses without quotas. All deer hunting licenses that have no quota may be obtained from the ELSI system beginning August 15 through the last day of the hunting period for which a license is valid.

106.8(3) Providing false information. Anyone who provides false information about the person's personal identity, eligibility for resident deer licenses, or eligibility for any paid or free landowner/tenant deer license and tag and who attests that the information is correct by accepting and signing the license or tag shall be guilty of a misdemeanor. In addition, the person's hunting license shall be revoked, and the person shall not be issued a hunting license for one year. In addition to any legal penalties that may be imposed, obtaining a license in such a manner shall invalidate that deer license and transportation tag and any other deer hunting license and transportation tag obtained during the same year.

571—106.9(481A) Transportation tag. A transportation tag bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to the carcass of each deer in such a manner that the tag cannot be removed without mutilating or destroying the tag. This tag shall be attached to the carcass of the deer within 15 minutes of the time the deer is killed or before the carcass is moved in any manner, whichever occurs first. This tag shall be proof of possession and shall remain affixed to the carcass until such time as the animal is processed for consumption. The head, and antlers if any, shall remain attached to the deer while being transported by any means whatsoever from the place where taken to the processor or commercial preservation facility or until the deer has been processed for consumption.

571—106.10(481A) Youth deer and severely disabled hunts.

106.10(1) Licenses.

a. Youth deer hunt. A youth deer license may be issued to any Iowa resident who is at least 12 years old but not over 15 years old on the day the youth obtains the license. The youth license may be paid or free to persons eligible for free licenses. If the youth obtains a free landowner/tenant license, it will count as the one free any-deer license for which the youth's family is eligible. The youth must possess a valid hunter education certificate issued by a state wildlife agency to obtain a license.

Each participating youth must be accompanied by an adult who possesses a regular hunting license and has paid the habitat fee (if the adult is normally required to have a hunting license and to pay the habitat fee to hunt). Only one adult may participate for each youth hunter. The accompanying adult must not possess a firearm or bow and must be in direct company of the youth at all times.

A person may obtain only one youth paid any-deer license but may also obtain the following additional licenses: prior to October 1, one paid any-deer bow or paid any-deer firearm season license; up to three antlerless-deer-only licenses for the bow, first or second regular gun or late muzzleloader season; and up to three antlerless-deer-only licenses for the January antlerless-deer-only season. Beginning October 1, an unlimited number of these licenses may be obtained. No person may obtain a paid license of any type for both the first and second regular gun seasons. Beginning November 12, a youth hunter may purchase an unlimited number of licenses for the November antlerless-deer-only season until quotas fill.

b. Severely disabled hunt. Any severely disabled Iowa resident meeting the requirements of Iowa Code section 321L.1(8) may be issued one any-deer license to hunt deer during the youth season. A person applying for this license must either possess a disabilities parking permit or provide a completed form from the department of natural resources. The form must be signed by a physician verifying that the person's disability meets the criteria defined in Iowa Code section 321L.1(8). Forms are available online at www.iowadnr.com, by visiting the DNR central office or any district office, or by calling (515)281-5918. A person between 16 and 65 years of age must also possess a regular hunting license and have paid the habitat fee to obtain a license (if normally required to have a hunting license and to pay the habitat fee to hunt). A severely disabled person obtaining this license may obtain one paid any-deer bow license and up to three antlerless-deer-only licenses for the youth/disabled hunter or bow season.

106.10(2) Season dates. Deer of either sex may be taken statewide during the 16-day period that ends on the first Sunday in October.

106.10(3) Shooting hours. Legal shooting hours will be one-half hour before sunrise to one-half hour after sunset each day regardless of weapon used.

106.10(4) Limits and license quotas. An unlimited number of licenses may be issued. The daily and season bag and possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person's name.

106.10(5) Method of take and other regulations. Deer may be taken with shotgun, bow or muzzle-loaded rifles as permitted in 571—106.7(481A). All participants must meet the deer hunters' orange apparel requirement in Iowa Code section 481A.122. All other regulations for obtaining licenses or hunting deer shall apply.

106.10(6) Procedures for obtaining licenses. Paid and free youth season licenses and licenses for severely disabled hunters may be obtained through ELSI beginning August 15 through the last day of the youth season.

571—106.11(481A) Deer depredation management. Upon signing a depredation management agreement with the department, producers of agricultural or high-value horticultural crops may be issued deer depredation permits to shoot deer causing excessive crop damage. If immediate action is necessary to forestall serious damage, depredation permits may be issued before an agreement is signed. Further permits will not be authorized until an agreement is signed.

106.11(1) Method of take and other regulations. Legal weapons and restrictions will be governed by 571—106.7(481A). For deer shooting permits only, there are no shooting hour restrictions. The producer or designee must meet the deer hunters' orange apparel requirement in Iowa Code section 481A.122.

106.11(2) Eligibility. Producers growing typical agricultural crops (such as corn, soybeans, hay and oats and tree farms and other forestlands under a timber management program) and producers of high-value horticultural crops (such as Christmas trees, fruit or vegetable crops, nursery stock, and commercially grown nuts) shall be eligible to enter into depredation management agreements if these crops sustain excessive damage.

a. The producer may be the landowner or a tenant, whoever has cropping rights to the land.

b. Excessive damage is defined as crop losses exceeding \$1,000 in a single growing season, or the likelihood that damage will exceed \$1,000 if preventive action is not taken, or a documented history of at least \$1,000 damage annually in previous years.

106.11(3) Depredation management plans. Upon request from a producer, field employees of the wildlife bureau will inspect and identify the type and amount of crop damage sustained from deer. If damage is not excessive, technical advice will be given to the producer on methods to reduce or prevent future damage. If damage is excessive and the producer agrees to participate, a written depredation management plan will be developed by the field employee in consultation with the producer.

a. The goal of the management plan will be to reduce damage to below excessive levels within a specified time period through a combination of producer-initiated preventive measures and the issuance of deer depredation permits.

(1) Depredation plans written for producers of typical agricultural crops may require preventive measures such as harassment of deer with pyrotechnics and cannons, guard dogs, temporary fencing, allowing more hunters, increasing the take of antlerless deer, and other measures that may prove effective.

(2) Depredation plans written for producers of high-value horticultural crops may include all of the measures in (1) above, plus permanent fencing where necessary. Fencing will not be required if the cost of a fence exceeds \$1,000.

(3) Depredation permits to shoot deer may be issued to Iowa residents only to temporarily reduce deer numbers until long-term preventive measures become effective. Depredation permits will not be used as a long-term solution to deer damage problems.

b. Depredation management plans will normally be written for a three-year period with progress reviewed annually by the department and the producer.

(1) The plan will become effective when signed by the field employee of the wildlife bureau and the producer.

(2) Plans may be modified or extended if mutually agreed upon by the department and the producer.

(3) Depredation permits will not be issued after the initial term of the management plan if the producer fails to implement preventive measures outlined in the plan.

106.11(4) Depredation permits. Three types of permits may be issued under a depredation management plan.

a. Deer depredation licenses. Deer depredation licenses may be sold to resident hunters only for the regular deer license fee for use during one or more legal hunting seasons. Depredation licenses will be available to producers of agricultural and horticultural crops.

(1) Depredation licenses will be issued in blocks of five licenses up to the number specified in the management plan.

(2) Depredation licenses may be sold to individuals designated by the producer as having permission to hunt. No individual may obtain more than two depredation licenses per management plan. Licenses will be sold by designated department field employees.

(3) A depredation license issued to the producer or producer's family member may be the one free license for which the producer's family is eligible annually.

(4) Depredation licenses will be valid only for hunting antlerless deer, unless otherwise specified in the management plan, regardless of restrictions that may be imposed on regular deer hunting licenses in that county.

(5) Hunters may keep any deer legally tagged with a depredation license.

(6) All other regulations for the hunting season specified on the license will apply.

(7) Depredation licenses will be valid only on the land where damage is occurring and the immediately adjacent property unless the land is within a designated block hunt area as described in subparagraph (8). Other parcels of land in the farm unit not adjacent to the parcels receiving damage will not qualify.

(8) Block hunt areas are areas designated and delineated by wildlife biologists of the wildlife bureau to facilitate herd reduction in a given area where all producers may not qualify for the depredation program or in areas of persistent deer depredation. Depredation permits issued to producers within the block hunt zone are valid on all properties within the delineated boundaries. Individual landowner permission is required for hunters utilizing depredation licenses within the block hunt boundaries. Creation of a given block hunt area does not authorize trespass.

b. Deer shooting permits. Permits for shooting deer outside an established hunting season may be issued to producers of high-value horticultural crops when damage cannot be controlled in a timely manner during the hunting seasons (such as late summer buck rubs in an orchard and winter browsing in a Christmas tree plantation) and to other agricultural producers and on areas such as airports where public safety may be an issue.

(1) Deer shooting permits will be issued at no cost to the applicant.

(2) The applicant or one or more designees approved by the department may take all the deer specified on the permit.

(3) Permits available to producers of high-value horticultural crops will allow taking deer from August 1 through March 31. Permits issued for August 1 through August 31 shall be valid only for taking antlered deer. Permits issued for September 1 through March 31 may be valid for taking any deer, antlerless deer or antlered deer, depending on the nature of the damage.

(4) Permits issued due to public safety concerns may be used for taking any deer, as necessary, to address unpredictable intrusion which could jeopardize public safety. Permits may be issued for an entire year (January 1 through December 31) if the facility involved maintains a deerproof fence. Disposal of deer killed under these permits shall be coordinated with the local conservation officer.

(5) The times, dates, place and other restrictions on the shooting of deer will be specified on the permit.

(6) Antlers from all deer recovered must be turned over to the conservation officer to be disposed of according to department rules.

(7) Shooters must wear blaze orange and comply with all other applicable laws and regulations pertaining to shooting and hunting.

c. Agricultural depredation shooting permits. Agricultural depredation shooting permits will be issued to a landowner or designated tenant who is a resident of Iowa who has sustained at least \$1,000 of damage to agricultural crops if the resident is cooperating with the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) to reduce crop damage by deer or has an approved DNR deer depredation plan.

(1) Agricultural depredation shooting permits will be issued to the resident landowner or designated tenant at no cost and shall be valid only on the farm unit where the damage is occurring.

(2) Permits issued to the resident landowner or designated tenant shall allow the taking of antlerless deer from September 1 through November 30. The number of permits issued to individual landowners or tenants will be determined by a department depredation biologist and will be part of the deer depredation management plan.

(3) Deer taken on these permits must be taken by the resident landowner or the designated tenant only.

(4) Times, places, and other restrictions will be specified on the permit.

(5) Shooters must wear blaze orange and comply with all other applicable laws and regulations.

(6) For agricultural depredation shooting permits there are no shooting hour restrictions.

(7) Antlers from all deer recovered must be turned over to the conservation officer to be disposed of according to department rules.

(8) Agricultural depredation shooting permits will be valid only on the land where damage is occurring.

d. Rescinded IAB 5/29/02, effective 7/3/02.

e. Depredation licenses, agricultural depredation shooting permits and shooting permits will be issued in addition to any other licenses for which the hunters may be eligible.

f. Depredation licenses, agricultural depredation shooting permits and shooting permits will not be issued if the producer restricts the legal take of deer from the property sustaining damage by limiting hunter numbers below levels required to control the deer herd.

106.11(5) Disposal. It shall be the producer's responsibility for shooting permits, excluding those issued for public safety, and for agricultural depredation shooting permits to see that all deer are field dressed and removed immediately from the field. Dead deer must be handled for consumption, and the producer must coordinate through the local conservation officer the disposal of deer offered to the public. Charitable organizations will have the first opportunity to take deer offered to the public. No producer shall keep more than two deer taken under depredation shooting permits. By express permission from a DNR enforcement officer, the landowner may dispose of deer carcasses through a livestock sanitation facility.

571—106.12(481A) Eligibility for free landowner/tenant deer licenses.

106.12(1) Who qualifies for free deer hunting license. Owners or tenants of a farm unit, or a member of an owner's or tenant's family who resides with the owner or tenant, are eligible for free deer licenses. The owner or tenant does not have to reside on the farm unit but must be actively engaged in farming it. Nonresident landowners do not qualify.

106.12(2) Who qualifies as a tenant. A "tenant" is a person other than the landowner who is actively engaged in the operation of the farm. The tenant may be a member of the landowner's family, including in some circumstances the landowner's spouse or child, or a third party who is not a family member. The tenant does not have to reside on the farm unit.

106.12(3) What "actively engaged in farming" means. Landowners and tenants are "actively engaged in farming" if they personally participate in decisions about farm operations and those decisions, along with external factors such as weather and market prices, determine their profit or loss for the products they produce. Tenants qualify if they farm land owned by another and pay rent in cash or in kind. A farm manager or other third party who operates a farm for a fee or a laborer who works on the farm for a wage and is not a family member does not qualify as a tenant.

106.12(4) Landowners who qualify as active farmers. These landowners:

- a. Are the sole operator of a farm unit (along with immediate family members), or
- b. Make all decisions about farm operations, but contract for custom farming or hire labor to do some or all of the work, or
- c. Participate annually in decisions about farm operations such as negotiations with federal farm agencies or negotiations about cropping practices on specific fields that are rented to a tenant, or
- d. Raise specialty crops from operations such as orchards, nurseries, or tree farms that do not necessarily produce annual income but require annual operating decisions about maintenance or improvements, or
- e. May have portions of the farm enrolled in a long-term land retirement program such as the Conservation Reserve Program (CRP) as long as other farm operations occur annually, or
- f. Place their entire cropland in the CRP or other long-term land retirement program with no other active farming operation occurring on the farm.

106.12(5) Landowners who do not qualify. These landowners:

- a. Use a farm manager or other third party to operate the farm, or
- b. Cash rent the entire farm to a tenant who is responsible for all farm operations including following preapproved operations plans.

106.12(6) Where free licenses are valid. A free license is valid only on that portion of the farm unit that is in a zone open to deer hunting. "Farm unit" means all parcels of land in tracts of two or more contiguous acres that are operated as a unit for agricultural purposes and are under lawful control of the landowner or tenant regardless of how that land is subdivided for business purposes. Individual parcels of land do not need to be adjacent to one another to be included in the farm unit. "Agricultural purposes" includes but is not limited to field crops, livestock, horticultural crops (e.g., from nurseries, orchards, truck farms, or Christmas tree plantations), and land managed for timber production.

106.12(7) *Number of licenses that may be obtained.* The maximum number of free any-deer licenses for the youth/disabled hunter season, bow season, regular gun seasons or muzzleloader seasons is two per farm unit, one for the landowner (or family member) and one for the tenant (or family member). The maximum number of antlerless-deer-only licenses that may be issued is four per farm unit, two for the landowner (or family member) and two for the tenant (or family member). The maximum number of reduced-fee licenses that may be issued per farm unit is four, two for the landowner (or family member) and two for the tenant (or family member). If there is no tenant, the landowner family is limited to one any-deer, two antlerless-deer-only and two reduced-fee licenses. The tenant family is restricted to the number of tenant licenses described above even if the tenant farms land for more than one landowner.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.24.

[Filed 7/16/75]

[Filed emergency 6/11/76—published 6/28/76, effective 6/11/76]

[Filed emergency 6/13/77—published 7/13/77, effective 6/13/77]

[Filed emergency 9/1/77—published 9/21/77, effective 9/1/77]

[Filed 6/8/78, Notice 3/8/78—published 6/28/78, effective 8/2/78]

[Filed 6/5/79, Notice 3/7/79—published 6/27/79, effective 8/1/79]

[Filed 6/6/80, Notice 3/5/80—published 6/25/80, effective 7/30/80]

[Filed 6/5/81, Notice 3/4/81—published 6/24/81, effective 7/29/81]

[Filed 6/3/82, Notice 3/3/82—published 6/23/82, effective 7/28/82]

[Filed 6/3/83, Notice 3/30/83—published 6/22/83, effective 8/1/83]

[Filed emergency after Notice 6/13/84, Notice 2/29/84—published 7/4/84, effective 6/15/84]

[Filed 5/31/85, Notice 2/27/85—published 6/19/85, effective 7/24/85]

[Filed emergency 8/16/85—published 9/11/85, effective 8/16/85]

[Filed 6/11/86, Notice 2/26/86—published 7/2/86, effective 8/6/86]

[Filed without Notice 12/12/86—published 12/31/86, effective 2/4/87]

[Filed 6/11/87, Notice 3/11/87—published 7/1/87, effective 8/10/87]

[Filed 5/13/88, Notice 2/24/88—published 6/1/88, effective 7/6/88]

[Filed 6/10/88, Notice 2/24/88—published 6/29/88, effective 8/10/88]

[Filed 5/12/89, Notice 3/8/89—published 5/31/89, effective 7/5/89]

[Filed 5/11/90, Notice 3/7/90—published 5/30/90, effective 7/4/90]

[Filed 5/10/91, Notice 3/6/91—published 5/29/91, effective 7/3/91]

[Filed 5/8/92, Notice 3/4/92—published 5/27/92, effective 7/6/92]

[Filed emergency 12/4/92—published 12/23/92, effective 12/4/92]

[Filed emergency 3/12/93—published 3/31/93, effective 3/12/93]

[Filed 5/7/93, Notice 3/31/93—published 5/26/93, effective 7/6/93]

[Filed 5/20/94, Notice 3/2/94—published 6/8/94, effective 7/13/94]

[Filed emergency 5/15/95—published 6/7/95, effective 5/15/95]

[Filed 5/15/95, Notice 3/1/95—published 6/7/95, effective 7/14/95]

[Filed 8/11/95, Notice 6/7/95—published 8/30/95, effective 10/4/95]

[Filed 5/15/96, Notice 2/28/96—published 6/5/96, effective 7/15/96]

[Filed emergency 12/13/96 after Notice 11/6/96—published 1/1/97, effective 12/13/96]

[Filed 5/15/97, Notice 3/12/97—published 6/4/97, effective 7/14/97]

[Filed 8/22/97, Notice 6/4/97—published 9/10/97, effective 10/15/97]

[Filed 9/19/97, Notice 7/16/97—published 10/8/97, effective 11/12/97]

[Filed 5/29/98, Notice 3/11/98—published 6/17/98, effective 7/22/98]

[Filed 5/14/99, Notice 3/10/99—published 6/2/99, effective 7/7/99]

[Filed emergency 9/13/99—published 10/6/99, effective 9/13/99]

[Filed emergency 11/12/99 after Notice 9/8/99—published 12/1/99, effective 11/12/99]

[Filed 5/12/00, Notice 3/8/00—published 5/31/00, effective 7/5/00]

[Filed 5/11/01, Notice 3/7/01—published 5/30/01, effective 7/4/01]

[Filed 5/9/02, Notice 3/6/02—published 5/29/02, effective 7/3/02]

[Nullified language editorially removed 5/28/03]†

[Filed 6/20/03, Notice 3/5/03—published 7/9/03, effective 8/13/03]

[Filed 10/10/03, Notice 7/9/03—published 10/29/03, effective 12/3/03]

[Filed 6/18/04, Notice 3/3/04—published 7/7/04, effective 8/11/04]

[Filed 6/17/05, Notice 3/30/05—published 7/6/05, effective 8/10/05]

†See HJR 5 of 2003 Session of Eightieth General Assembly.